

Cape Town Pride Oversight Committee

End-Out Report

Final Oversight Committee Meeting: 23 March 2015, Heinrich Böll Foundation (HBS) Offices, Cape Town.

Present: Zethu Matebeni, Robert Bayer, Glenton Matthyse, Marlow Valentine

Apologies: Brian Kruger, Funeka Soldat, Pam Dhlamini

Absent: Matthew van As, Tommy Patterson

Resignation accepted: Sivu Siwisa

A: Background and Overview

In the past Cape Town Pride was organised through a registered non-for-profit “Cape Town Pride Festival” company (Registration number 2002-021299-0). The directors of this company provided oversight and structure, while the running of the event was delegated to a volunteer-based organising committee, led by a festival director who in turn was responsible to the board of directors. The beneficiary of Cape Town Pride Festival was the Pride Shelter Trust.

From 2011 the Cape Town Pride Festival experienced difficulties both of financial and organisational nature. Board members resigned, audited financial statements of the Cape Town Pride Festival were not submitted, the festival occurred a deficit and creditors could not be satisfied. Owing to directors not being available anymore, the Cape Town Pride Festival company lost its ability to maintain a bank account in its name due to unavailability of directors for required sign-offs and to submit the required documentation to the registrar of companies, who subsequently initiated the deregistration process.

Owing to the defunct status of the Cape Town Pride Festival organisation and its inability to maintain a board of directors and bank accounts, the AGM in 2013 decided to have a “clean start” and to disband the old Cape Town Pride Festival organisation [*“abandon” would be more technically correct, since only the board of directors, which was unable to transact, and not the AGM would be able to disband*]. A committee was formed to look into forming a new organisation, which was never formally invited to a meeting by its facilitator from the pride committee.

At the same time concerns were raised by community organisations relating to focus, accessibility and the lack of socio-political consciousness of Cape Town Pride. Communities felt marginalised, excluded and under-represented and were questioning the legitimacy of the organisers, governance and financial accountability.

The self-elected organisers of the Pride Festival February/March 2014, acting technically in their private capacity without a bank account in the name of Pride, have not provided a comprehensive report including finances or held an AGM.

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Various community consultations took place in 2014, with very little movement and action towards the beginning. The community forum on 3 November 2014 (refer to minutes) formed a Pride Oversight committee made up of 11 nominated and elected community members, three of whom have been part of the previous and current organising of Pride. This final report relates to the task of this Oversight Committee.

Members of Pride Oversight Committee:

1. Zethu Matebeni
2. Glenton Matthyse
3. Robert Bayer
4. Sivu Siwisa
5. Funeka Soldat
6. Marlow Newman-Valentine
7. Matthew van As
8. Brian Kruger
9. Tommy Patterson
10. Pam Dhlamini
11. Dominic Kessell (Did not take up the position)

B: Mandate of the Oversight Committee

1. Review the constitution process, draft a constitution and prepare for adoption at AGM in 2015
2. Set a date for the 2015 AGM and facilitate the meeting
3. Oversee the organising of Cape Town Pride 2015 and ensure the calendar is inclusive and balanced
4. First meeting was convened for 27 November 2014 at the offices of the HBS, Cape Town.

C: Meetings

1. The OC meetings took place on 27 November 2014; 11 December 2014 and 23 March 2015. (See attached Minutes of meetings)
2. Actions of OC:
 - Media release detailing the political position of the OC and calling on community participation in the Pride festival calendar
 - Discussions with various legal experts wrt the draft constitution and feedback to the OC. The draft constitution was debated and reviewed in preparation for the upcoming AGM proposed for 9 May 2015.

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- Raised objections and concerns to the proposed festival calendar regarding lack of representation; exclusivity; lack of transparency around finances; lack of relevant, critical and political issues facing the LGBTI communities; and blatant classist and racist undertones reflected in the organising and marketing of the festival calendar. OC could not reach agreement (please refer to minutes of 11/12/15).

D: Resolutions and Findings at the Final Meeting the Oversight Committee

1. Engagements at the Oversight Committee (OC) meeting were fractioned between members of the organising Pride and community representatives. The spirit of co-operation and moving forward to a new level, was low.
2. The OC was unable to provide oversight to the Pride Festival organised in 2015. Since the OC is not representing the Cape Town Pride Festival non-for-profit company and the organisers of Pride are technically acting in their own name, the OC had no means to enforce its authority on the organisers of Pride and depended on good-will and co-operation.
3. Since the end of Pride 2015 in February, the festival director (Matthew van As) was given ample time to present a narrative and financial report as well as status of the entity to the OC meeting on 23 March 2015. These reports were never provided and the festival director did not respond to any of the numerous calls to a meeting nor e-mails.
4. Matthew van As announced on Cape Town TV when the AGM for Pride would be held. This took the OC by surprise, but having received no feedback from Matthew van As relating to the past Pride activities, concludes that there is no intention to report to the OC.
5. The OC hence needs to end its mandate as it is not able to fulfil its oversight task and has no means to enforce oversight.
6. Members of the OC feel they were misled to legitimise an illegitimate process and renounce accountability for any activities of Cape Town Pride whilst in formation.
7. The OC raises questions for Cape Town Pride and it's organisers in the past:
 - a. In the absence of a governing structure over the last 3 years, who managed the finances (income, expenditure and profit) of the past Cape Town Pride Festival?
 - b. In the absence of a governing structure, who took responsibility for the festival reports?
 - c. In the absence of a governing structure and an AGM, who appointed Matthew van As as Festival Director and to whom was he accountable?
 - d. In the absence of a legal entity, over who was the OC providing oversight to?
 - e. For the past 2 years Matthew van As, as the festival director has been working with proceeds from a community festival without transparency and accountability. Where is the operational budget? Where are the funds kept and paid from? Does the festival director act as director, secretary and treasurer?

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- f. The festival director has publically stated that the proceeds of the festival go to LGBTI organisations. Who are these organisations and how much have they received? How are they being paid – cash, cheque, EFT in the absence of an official festival bank account?
8. The evasion of accountability, paired with rumours relating to a legal challenge to the uprightness of the festival director, casts aspirations on Matthew van As and Cape Town Pride. The OC bases this on information on hand which we are not able to refute or confirm. However, we note this as a serious concern.
9. The Oversight Committee resolves to call a Community Meeting on to:
 - a. Table this report detailing the process followed.
 - b. Clarify the stance taken by the OC.
 - c. Ask for resolutions with regards to this impasse and a plan of action.
 - d. Revisioning the Cape Town Pride festival as a “festival of the people for the people by the people” in the context of LGBTI human rights and all its intersections.
 - e. Present the choice between a single-person-driven event or a community-driven event.
 - f. To appeal to Matthew van As to account to this state of affairs and to provide detailed information regarding the governance and finances of Cape Town Pride for the last 3 years.

The Oversight Committee resolved its functioning and defers its roles and responsibilities back to the communities who elected it.

<u>Name</u>	<u>Signature</u>	<u>Date</u>
<u>Signed by OC members in attendance of final meeting</u>		
Zethu Matebeni		
Robert Bayer		
Glenton Matthyse		
Marlow Newman-Valentine		
<u>Endorsed and signed by the following OC members</u>		
Funeka Soldat		
Sivu Siwisa		
Pam Dhlamini		

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<u>Report not endorsed by the following OC members</u>		

Report dated: Monday, 13 April 2015